

Remarks and Arguments

Claims 1-21 were pending prior to this amendment. No further amendments have been made.

Summary of telephone interview.

On November 17, 2008, the undersigned attorney telephoned Examiner Wendell to address the stated assertions regarding Maggenti US2003/0012149 in the outstanding office action of August 6, 2008. The following is a summary of applicant's presentation during the telephone interview.

At a personal interview held April 8, 2008, with Examiner Wendell, inventor Douglas Ranalli, and the undersigned attorney, the prior art Maggenti and Crockett references were discussed. Applicant then submitted a response on April 9, 2008 with amended claims intended to address the issues raised at the interview and described in the Examiner's interview summary. Upon receipt of the August 6, 2008 office action, applicant compared the arguments in the latest office action and specifically noted the new portions of Maggenti on which the Examiner now relies, namely paragraphs 133 and 144 (see pages 2 and 5 of the office action). In reliance on these two new paragraphs, the Examiner asserts that: "the "nets" (referenced in Maggenti) can be modified to allow PTT communication which can read on the devices not being registered beforehand and therefore not preregistered."

However, if one examines paragraphs 133 and 144 of Maggenti, applicant believes it is clear that the only "nets" referenced therein are nets of one or more registered users, i.e. for each net participant there is a "user record" and therefore the user is registered with the communications manager CM 218. There are no "other" (non CM) nets being referenced.

Paragraph 133 falls under the subject heading "CM Databases" in paragraph 130. Those CM databases are defined in paragraph 131 as follows:

"In one embodiment, CM 218 maintains at least two distinct databases which capture information that support net activities: a net database and a user database, both stored in local memory 606 and/or global database 612..."

Immediately following this paragraph, a subsection heading entitled "User Database" (paragraph 132) appears, followed by:

"[0133] The user database tracks individual users of the group communication system. The user records contained within a CM database may or may not necessarily be members of nets defined in CM 218's net database."

Thus, paragraph 133 refers to the "nets defined in CM's net database" to which registered users (for which there is a user record in the CM user database) can join, namely none, one or more of the CM defined nets. See applicant's document entitled "USPTO Office Action Response Background Material, March 14, 2008, Douglas J. Ranalli" submitted at the interview and attached to applicant's April 9, 2008 response, for a detailed overview of the Maggenti CM system. As described therein, the entire context of the Maggenti system is that only users registered with the CM may join one or more nets with other registered users of the CM. There is no mechanism for establishing a net with a user who is not registered with the CM. Paragraph 133 does not infer otherwise, rather paragraph 133 confirms that only users defined in the user records of the CM database may be members of nets defined in the CM's net database, i.e. they can be registered users who have not yet joined any CM net, or they can be registered users who have joined one or more CM nets, or they can be registered users who have been released from previously existing CM nets. However, in all cases they are registered users with the CM.

Similarly, paragraph 144 simply describes the administrative functions of the CM. Beginning at paragraph 140, the subheading "Net Administration-CM Administration Interface" is introduced. In paragraph 141 it is stated that the administration interface 604 consists of a command line interface (CLI). Paragraph 142 then states that administrative functions are supported through the previously defined CLI. Similarly in paragraph 143, the CLI of the CM administration interface is referenced. In paragraph 144, the functions of the CLI are described which include "creating a new user record in a user database, deleting an existing user record, and modifying an existing user record." Again, these are all activities of the CM with respect to registered users. Further recited in paragraph 144, other CM administrative functionality includes "the ability to create new nets in the user database, deleting existing nets, and modifying

existing nets.” Again, the referenced “nets” are all with respect to users in the CM user database, and thus are all registered users with the CM. The remainder of paragraph 144 similarly references these users, for which various fields are provided in the specific user records, and references the CM administered nets of registered users for which the CM has access to various fields for a specific net identified in the CM net database. There are no “other” (non CM) nets referred to in either paragraph 133 or 144 (or anywhere else in Maggenti).

Again, the only “nets” referenced in paragraphs 133 and 144 are nets with one or more registered users for which there is a “user record” with the communications manager CM 218. Thus, the only referenced users in the referenced nets are registered users with the CM for nets administered by the CM.

In contrast, applicant’s amended claim 1 defines one specific “PTT service provider system” enabled to allow “communication with unregistered end user equipment not registered for service with the PTT system” (emphasis added). Thus, the first two lines of the first subparagraph in applicant’s claim 1 places applicant’s invention outside of Maggenti. Claim 1 identifies a PTT service provider system which is enabled to communicate with “unregistered end user equipment, not registered for service with the PTT system” (emphasis added). Claim 1 then repeats this distinguishing feature by stating “wherein a registered user of the PTT system is allowed to initiate a PTT session with the unregistered end user equipment without requiring preregistration of the latter.” Thus, the distinction is recited twice in amended claim 1.

Independent claims 8 and 11 were similarly amended.

Having addressed Maggenti’s failure to disclose establishing nets with users not registered with the CM, there no longer exists a *prima facie* case of obviousness. The secondary reference Szurkowski, as previously explained, does not relate to PTT service, but rather describes a telephone conferencing and facsimile communications system which cannot properly be combined with Maggenti. In fact, the primary reference Maggenti teaches away from any such combination with a conference call system such as Szurkowski (see applicant’s April 9, 2008 response, page 7). The remaining references Crockett and Kaneko were also distinguished in applicant’s prior response at page 7; for interests of brevity those arguments are not repeated herein.

In summary, the primary reference Maggenti makes no reference to enabling communication with users not registered with this communication system (i.e. CM 218). Maggenti only creates “nets” of registered users. There are no “nets” which induce users not registered with the CM.

RECONSIDERATION

It is believed that all claims of the present application are now in condition for allowance.

Reconsideration of this application is respectfully requested. If the Examiner believes that a teleconference would expedite prosecution of the present application the Examiner is invited to call the Applicant's undersigned attorney at the Examiner's earliest convenience.

Any amendments or cancellation or submissions with respect to the claims herein is made without prejudice and is not an admission that said canceled or amended or otherwise affected subject matter is not patentable. Applicant reserves the right to pursue canceled or amended subject matter in one or more continuation, divisional or continuation-in-part applications.

To the extent that Applicant has not addressed one or more assertions of the Examiner because the foregoing response is sufficient, this is not an admission by Applicant as to the accuracy of such assertions.

Please grant any extensions of time required to enter this response and charge any fees in addition to fees submitted herewith that may be required to enter/allow this response and any accompanying papers to our deposit account 02-3038 and credit any overpayments thereto.

Respectfully submitted

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